

REMARKS

Amendments to the Claims

Claims 3-31 were pending in the present application. Claim 3 has been amended to claim the subject matter which Applicants regard as the invention with greater clarity. Support for this amendment can be found throughout the specification including, for example, in paragraph 26.

Claims 8 and 31 were amended to correct the dependency of the claim. Claim 8 was also amended to remove reference to R¹⁰ and R¹¹ and to claim the subject matter which Applicants regard as the invention with greater clarity. Support for these amendments can be found in original claims 8 and 31 and in paragraph 26.

None of the amendments introduces new matter.

Rejections under 35 U.S.C. § 102

Claims 3, 5, 6, and 10-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Abbott (USP 4,537,717), hereafter Abbott.

The Office Action states that compound 23 of Abbott is encompassed by claim 3 of the pending application when substituent variables are as follows:

$R = N(B)(X)_m-A$, wherein B=hydrogen; X = -CO-; A=alkyl;

$R^1 = N(B')(X')_m-A'$, wherein B'=hydrogen, m=1, X'=CO; A'=C₁₂-alkyl;

$R^2 = -CH_2-CO-aminophenyl$.

The Office Action states that ambiguity arises because claim 3 states that "A' can be substituted alkyl, in which one of the substituents can be 'an amino acid side chain.'" When the amino acid is alanine, the side chain is methyl. The Office Action states that because of this ambiguity, the exclusion of unsubstituted-C₁-C₁₈-alkyl in claim 3 is not effective to exclude C₁₂.

Applicants have amended claim 3 to define the term alkyl more clearly. As amended, claim 3 excludes an alkyl group substituted with an amino acid side chain.

Accordingly, for the foregoing reason, applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(b).

Amendment of Claim 31

The Office Action suggests that that applicants explain how to synthesize a compound according to claim 4 by the method of claim 31 when R¹⁶ is CH₂-piperidinyl.

Applicants have amended claim 31 to recite "a method . . . to make a compound according to claim 3," thus obviating the need to explain how to synthesize a compound of claim 4 by the method of claim 31.

Rejoinder

On page 2 of the Office Action dated August 24, 2004, it states "In the event that either of Groups 1 or 2 is elected, claims 13-16 will be rejoined with that group." Applicants requested rejoinder of claims 13-16 in the Response dated September 24, 2004. The claims have not been rejoined. Applicants respectfully request that claims 13-16 be rejoined.

In the Response dated September 24, 2004 Applicants also requested rejoinder of claims 29 and 30, which were amended to exclude non elected subject matter and to depend from elected subject matter. The claims have not been rejoined. Applicants respectfully request that claims 29 and 30 be rejoined.

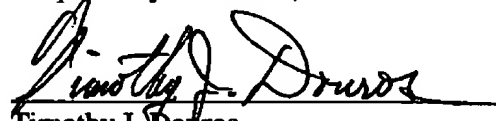
Applicants also request rejoinder of the corresponding methods of use and methods of synthesizing claims, namely claims 18-28 and claim 31, upon allowance of the pending claims.

CONCLUSION

For the reasons presented above, Applicants respectfully request reconsideration and prompt allowance of all pending claims. A Petition for Extension of Time (in duplicate) is enclosed. Please deduct the fee of \$510 for the Petition and apply any other charges or credits to Deposit Account No. 50-1986, referencing attorney docket number C059 US.

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Respectfully submitted,


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